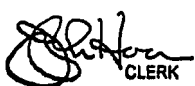


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
AUG 27 2008

CLERK

SANCOM, INC., a South Dakota Corporation,

Plaintiff,

vs.

SPRINT COMMUNICATIONS
COMPANY LIMITED PARTNERSHIP, a
Delaware partnership,

Defendant, Counterclaimant,
and Third-Party Plaintiff,

vs.

FREE CONFERENCING CORPORATION
OF AMERICA, a Nevada Corporation,

and

TELEJUNCTIONS LLC, a California
limited liability company,

Third-Party Defendants.

CIV. NO. 07-4107

ORDER RE:
BRIEFING

On February 6, 2008, this Court issued an Order cancelling oral argument on the pending motions to dismiss Sprint Communications' counterclaims and third-party claims in this action until the FCC makes a final ruling on the merits of Qwest's petition for reconsideration in *Qwest Communications Corp. v. Farmers & Merchants Mut. Tel. Co.*, No. EB-07-MD-001. Doc. 52. Near the time the Court issued the February 6, 2008 Order, Sprint Communications and Sancom, Inc. each filed motions for leave to file sur-reply briefs. Doc. 51, 54. The Court grants these motions and has considered the sur-reply briefs.

More recently, Defendant and Third-Party Plaintiff Sprint Communications has in Docket Entry 57 submitted for the Court's consideration in reviewing the pending motions to dismiss,

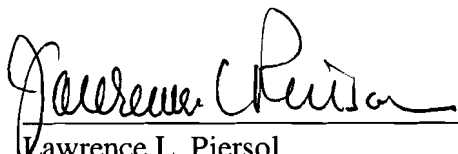
notice of decisions in *Sancom, Inc. v. Qwest Communications Corporation*, CIV. 07-4147-KES (D.S.D. June 26, 2008); *Northern Valley Communications, LLC v. MCI Communications Services, Inc.*, No. CIV 07-1016-KES (D.S.D. June 26, 2008); as well as a decision from the FCC in *In re Request for Review by InterCall, Inc. of Decision of Universal Service Administrator*, CC Docket No. 96-45 (June 30, 2008). At this time the FCC has not yet made a final ruling on the merits of Qwest's petition for reconsideration in *Qwest Communications Corp. v. Farmers & Merchants Mut. Tel. Co.* Accordingly,

IT IS ORDERED:

1. That the motions for leave to file sur-reply briefs (Doc. 51, 54) are granted; and
2. That by September 15, 2008, each party shall submit a brief outlining its position with regard to whether the decisions of which Sprint gave notice in Docket Entry 57 are persuasive authority with regard to the disposition of the motions to dismiss in the case at hand, and whether this Court should continue to delay ruling on the motions to dismiss until such time as the FCC makes a final ruling on the merits of Qwest's petition for reconsideration in *Qwest Communications Corp. v. Farmers & Merchants Mut. Tel. Co.*

Dated this 27th day of August, 2008.

BY THE COURT:

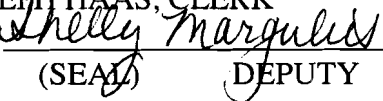


Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:



(SEAL) DEPUTY